

DOCKET NO: 244846US2

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :  
ATSUSHI AYABE, ET AL. : EXAMINER: TO, T.  
SERIAL NO: 10/699,674 :  
FILED: NOVEMBER 4, 2003 : GROUP ART UNIT: 3663  
FOR: AUTOMATIC TRANSMISSION :  
HAVING TORQUE CONVERTER WITH  
LOCKUP CLUTCH AND METHOD OF  
CONTROLLING SAME LOCKUP  
CLUTCH

REQUEST FOR RECONSIDERATION

COMMISSIONER FOR PATENTS  
ALEXANDRIA, VIRGINIA 22313

SIR:

In response to the Office Action dated July 28, 2004, Applicants request the reconsideration of the rejection of claims 1, 3, 7, 9, 10 and 12, for the reasons set forth below.

The aforementioned claims were rejected under 35 U.S.C. §103 as being obvious over U.S. published patent application 2002/0175036 in view of published U.S. patent application 2003/0045400 (Ito et al). Applicants note that Ito et al is assigned to Toyota Jidosha Kabushiki Kaisha, as is the present application, and that both Ito et al and the present application were assigned to Toyota Jidosha Kabushiki Kaisha at the time the invention was made. Ito et al is therefore prior art under 35 U.S.C. §103 only as of its publication date of March 6, 2003 (35 U.S.C. §103(c)).

Applicants are at this time submitting a certified English translation of their convention priority application JP 2002/326828 which was filed on November 11, 2002.

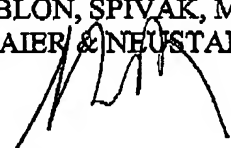
Application No. 10/699,074  
Reply to Office Action of July 28, 2004

Since this is prior to the March 6, 2003 effective date of Ito et al as prior art, Applicants respectfully submit that Ito et al is no longer prior art with respect to the present application and that the outstanding rejection is moot.

Applicants therefore believe that the present application is in a condition for allowance and respectfully solicit an early Notice of Allowability.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.



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Norman F. Oblon  
Attorney of Record  
Registration No. 24,618

Customer Number  
**22850**

Tel: (703) 413-3000  
Fax: (703) 413-2220  
(OSM/MN 06/04)

Robert T. Pous  
Registration No. 29,099

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